



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/722,457	11/28/2003	Gon Kim	0465-1093P	9994

2292 7590 06/26/2007
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER

PERRIN, JOSEPH L

ART UNIT	PAPER NUMBER
----------	--------------

1746

NOTIFICATION DATE	DELIVERY MODE
-------------------	---------------

06/26/2007

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary

Application No.

10/722,457

Applicant(s)

KIM ET. AL.

Examiner

Joseph L. Perrin, Ph.D.

Art Unit

1746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 8 and 9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8 and 9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Initially, the Examiner notes that it appears claim 7 has been incorporated into independent claim 1 in a broader scope (i.e. without claims 4-6 from which claim 7 depended) and claims 8 & 9 have essentially been rewritten in independent form.
2. Applicant's arguments filed 03 May 2007 have been fully considered but they are not persuasive.
3. Turning to the rejection(s) of the claims under 35 U.S.C. § 102, it is noted that the terminology in a pending application's claims is to be given its broadest reasonable interpretation (*In re Zletz*, 893 F.2d 319, 321, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989)) and limitations from a pending application's specification will not be read into the claims (*Sjolund v. Musland*, 847 F.2d 1573, 1581-82, 6 USPQ2d 2020, 2027 (Fed. Cir. 1988)). Anticipation under 35 U.S.C. § 102 is established only when a single prior art reference discloses, either expressly or under the principles of inherency, each and every element of a claimed invention. See *Constant v. Advanced Micro-Devices, Inc.*, 848 F.2d 1560, 1570, 7 USPQ2d 1057, 1064 (Fed. Cir.), cert. denied, 488 U.S. 892 (1988); *RCA Corp. v. Applied Digital Data Sys., Inc.*, 730 F.2d 1440, 1444, 221 USPQ 385, 388 (Fed. Cir. 1984). Moreover, anticipation by a prior art reference does not require either the inventive concept of the claimed subject matter or the recognition of properties that are inherently possessed by the prior art reference. *Verdegaal Brothers Inc. v. Union Oil co. of California*, 814 F.2d 628, 633, 2 USPQ2d 1051, 1054 (Fed. Cir.

Art Unit: 1746

1987), cert. denied, 484 U.S. 827 (1987). A prior art reference anticipates the subject matter of a claim when that reference discloses each and every element set forth in the claim (*In re Paulsen*, 30 F.3d 1475, 1478-79, 31 USPQ2d 1671, 1673 (Fed. Cir. 1994) and *In re Spada*, 911 F.2d 705, 708, 15 USPQ2d 1655, 1657 (Fed. Cir. 1990)); however, the law of anticipation does not require that the reference teach what Applicant is claiming, but only that the claims "read on" something disclosed in the reference. *Kalman v. Kimberly-Clark Corp.*, 713 F.2d 760, 772, 218 USPQ 781, 789 (Fed. Cir. 1983), cert. denied, 465 U.S. 1026 (1984) (and overruled in part on another issue), *SRI Intel v. Matsushita Elec. Corp. Of Am.*, 775 F.2d 1107, 1118, 227 USPQ 577, 583 (Fed. Cir. 1985). Also, a reference anticipates a claim if it discloses the claimed invention such that a skilled artisan could take its teachings in combination with his own knowledge of the particular art and be in possession of the invention. See *In re Graves*, 69 F.3d 1147, 1152, 36 USPQ2d 1697, 1701 (Fed. Cir. 1995), cert. denied, 116 S.Ct. 1362 (1996), quoting from *In re LeGrice*, 301 F.2d 929, 936, 133 USPQ 365, 372 (CCPA 1962).

4. Accordingly, with respect to the §102/103 rejection over STEELE applicant argues that "Steele differs significantly from the claimed invention in that, for example, Steele discloses a single bracket 141 located midway from the front and back of the tub 111 to anchor springs 142." The Examiner disagrees the claimed invention differs from STEELE, much less that STEELE "differs significantly". First, the Examiner notes that each and every other limitation of the claimed invention which is not specifically argued by applicant is fully anticipated by the structure of STEELE. Regarding the connection

Art Unit: 1746

of the springs and tub, STEELE clearly discloses anchor springs 142 being supported via connecting members of bracket 141 such that the springs connect to the front portion and rear portion of the tub relative to the center of the tub. Thus, the front portion of the tub reads on the front end and the rear portion of the tub reads on rear end and therefore, such structure reads on applicant's claimed structure. Even if, *arguendo*, one were to construe the claims to require the connection on the front edge and rear edge of the tub, the position is taken that it would have been obvious to one having ordinary skill in the art at the time the invention was made to simply rearranging the connections of the springs on the front portion and rear portion of the tub to the outer edge of the front and rear of the tub, since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70. The Examiner notes that applicant has not provided any secondary considerations for the general location of the connection members on the front portion and rear portion of the tub, however, the prior art is replete with teachings (including the cited prior art) of providing the front and rear ends of a washing machine tub with springs connected to the top of the cabinet for the purpose of achieving vibration attenuation and simply rearranging the location of these connections appears to be an obvious variant.

5. Regarding the §102 rejection over SONODA, applicant's amendment renders this rejection moot.

6. Regarding the §103 rejections over SONODA, STELWAGEN and/or STEELE, applicant argues that STEELE does not disclose the claimed tub and front spring connecting member located at an upper front end of the tub, this is not persuasive for

Art Unit: 1746

reasons of record in the rejection and discussed above which clearly show the tub, cabinet and front spring connection as claimed. Regarding claim 8, applicant further argues that neither STEELE, SONODA nor STELWAGEN teach or suggest the claimed front and rear spring connection members. The Examiner disagrees. Firstly, STEELE clearly does teach or suggest the claimed configuration per the previous arguments. Secondly, SONODA and STELWAGEN teach or suggest similar configurations, for instance, in Figure 1 of each. Regarding claim 9, applicant repeats arguments from claim 8. This is not persuasive for reasons of same previously indicated.

7. The Examiner notes that the structural limitations and configurations of the prior art references and those as claimed are significantly similar and appear to be at most slight variations which are construed to be at least obvious variants. Thus, it is unclear how such slight modifications are patentable. Applicant is urged to specifically point out how the language of the claims patentably distinguishes them from the references as required by 37 CFR 1.111(b).

Claim Rejections - 35 USC § 102

8. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

9. Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over STEELE. STEELE discloses a washing machine having a cabinet (301, conventionally known to have 6 sides), a tub (12) capable of opening from the front, a rear motor assembly (17/19/20/21) rotatably

Art Unit: 1746

mounted to an inner tub drum (13), and vibration attenuating means comprising right and left dampers (302/303) below the tub and front and rear springs (340) installed on the tub via connecting members at front and rear sides over the tub and at a middle portion between right and left sides over the tub connected to the top cabinet plate via connectors (141/142) (see Figure 11 and relative associated text). Although the position is taken that STEELE reads on the claimed washing machine having a "motor in rear of the tub" to drive the horizontal drum shaft, even if *arguendo* one were to construe such language as only reading on a motor directly mounted to the rear of the tub and directly connected to the rotatable horizontal drum shaft, the position is taken that it would have been obvious to one having ordinary skill in the art at the time the invention was made to use any of the common knowledge horizontal rotary drum motors in the washing machine art, such as that in SONODA and other cited prior art references, since applicant has not disclosed that using one structural equivalent washing machine motor over another solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with other horizontal washing machine motors and the selection of any of these known equivalents to provide rotary drive to a washing machine drum would be within the level and knowledge of ordinary skill in the

Claim Rejections - 35 USC § 103

10. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

11. Claims 1-6 & 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over SONODA in view of STELWAGEN or STEELE. Re claims 1 & 4-6, SONODA discloses a washing machine having a cabinet (conventionally known to have 6 sides), a tub (18) capable of opening from the front (col. 3, lines 45-46), a rear motor (50) rotatably mounted to an inner tub drum (20), and vibration attenuating means comprising damper (14) and front and rear springs (16) installed on the tub via connecting members at front and rear sides over the tub and at a middle portion between right and left sides over the tub connected to the front and rear cabinet plates (see mounting on top peak of tub in Figure 1).

While SONODA discloses attaching the springs at the top of the front and rear plates of the cabinet proximate to the top plate, SONODA does not expressly disclose connection of the springs to the top plate. STELWAGEN & STEELE teach that it is known to provide a washing machine with springs connected to the cabinet at the top plate proximate the front and rear plates for controlling vibration (see Figure 1 and relative associated text of STELWAGEN & Figure 2 and relative associated text of STEELE). Thus, in the aggregate, SONODA and either STELWAGEN or STEELE disclose connecting front and rear springs of a washing machine tub at the front and rear portions of the top plate or the upper portions of the front and rear plate of the cabinet. It would have been obvious to one having ordinary skill in the art at the time

the invention was made to rearrange the location of the spring connection to the cabinet in any combination of these known configurations (i.e. lower front top plate & lower rear top plate (claim 1); lower front top plate & upper rear plate (claim 8); and upper front plate & top rear plate (claim 9)), since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70. Moreover, there would have been a reasonable expectation of success in arranging the springs in any of the aforementioned configurations/combinations to attenuate front/rear vibrations of the tub.

Re claims 2-3, while SONODA discloses a damper unit (14) in the middle portion between the front and rear sides of the tub, SONODA does not clearly show plural damper units also installed at the right and left sides under the tub. STEELE teaches that it is known to provide a damper system (302/303) in said middle portion and between the right and left sides under the tub to maintain "a stable equilibrium condition" (see Figure 11 and relative associated text). Therefore, the position is taken that it would have been within the level and skill of one having ordinary skill in the art at the time the invention was made to provide the washing machine of SONODA with the damper system of STEELE for the purpose of providing an additional damper to enhance the equilibrium condition (i.e. minimize vibration) in a washing machine. Moreover, there would be a reasonable expectation of success of increasing the number of dampers and spreading out the location of the dampers (i.e. right and left sides) in order to more effectively control equilibrium/vibrations, such being readily evident to one having ordinary skill in the art.

12. Claims 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over STEELE in view of SONODA. Recitation of STEELE is repeated here from above. While STEELE discloses attaching the springs at the top plate of the cabinet proximate the front and rear plate, STEELE does not expressly disclose connection of the springs to the front and rear plates. SONODA teaches that it is known to provide a washing machine with springs at the top of the front and rear plates of the cabinet proximate to the top plate (see Figure 1 and relative associated text of SONODA). Thus, in the aggregate, SONODA and STEELE disclose connecting front and rear springs of a washing machine tub at the front and rear portions of the top plate or the upper portions of the front and rear plate of the cabinet. It would have been obvious to one having ordinary skill in the art at the time the invention was made to rearrange the location of the spring connection to the cabinet in any combination of these known configurations (i.e. lower front top plate & upper rear plate (claim 8); upper front plate & top rear plate (claim 9); and upper front plate & upper rear plate (claim 10)), since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70. Moreover, there would have been a reasonable expectation of success in arranging the springs in any of the aforementioned configurations/combinations to attenuate front/rear vibrations of the tub.

Conclusion

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

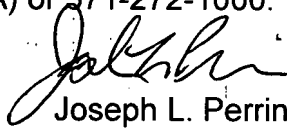
14. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph L. Perrin, Ph.D. whose telephone number is (571)272-1305. The examiner can normally be reached on M-F 7:00-4:30, except alternate Fridays.

16. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael E. Barr can be reached on (571)272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1746

17. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Joseph L. Perrin, Ph.D.
Primary Examiner
Art Unit 1746

JLP